

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT HAMMOND

WE-1

IN RE:
DAVID SROGE

Debtor

)
)
) BANKRUPTCY NO. 06-61618
)
)

ORDER DISMISSING CHAPTER 13 PETITION

This Chapter 13 case came on for final hearing on December 5, 2007 on a Motion to Dismiss filed by Trustee (hereinafter: "Movant").

Movant appears by counsel.

Debtor appears by counsel.

Submitted. Evidence and arguments heard.

Trustee files a Declaration showing that pursuant to the Trustee's books and records kept in the ordinary course of his office, that the Plan payment arrearages of the Debtor to Trustee is in the sum of \$7,360.00 as of November 10, 2007.

And the Court having examined the record, and said Declaration, and being duly advised in the premises, now finds that there has been a material default by the Debtor as to the terms of the Plan, a failure by the Debtor to commence making timely payments, and that there has been an unreasonable delay by the Debtor that is prejudicial to creditors. It is therefore,

ORDERED, that said Motion is hereby granted and that the Petition of the Debtor should be and is hereby dismissed pursuant to 11 U.S.C. §1307. And it is further,

ORDERED:

1. That if the Plan of the Debtor is not confirmed, the Trustee, and all parties in interest are hereby allowed leave of Court of twenty (20) days from the date of this Order to apply to this Court, pursuant to §503(b), for any actual and necessary expenses of administration pursuant to §1326(a)(2). If the Plan of the Debtor has been confirmed the Trustee shall distribute any payment by Debtor in accordance with the Plan pursuant to §1326(a)(2).

2. That the Trustee is directed to file his final report and account.
3. That the bond of said Trustee be and it hereby is cancelled, and that the surety or sureties thereon be and they hereby are released from further liability thereunder, except any liability which may have accrued during the time such bond was in effect.
4. That if there is an income deduction order pending, the employer is hereby ordered to terminate deductions.
5. That the case shall be terminated and closed after completion of the foregoing.

Dated: December 5, 2007

MW

JUDGE, U.S. BANKRUPTCY COURT

Distribution

Debtor, Attorney for Debtor

U.S. Trustee, Trustee

All Creditors